

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **# 12**

CASE NUMBER: SUP 13-223 CC **L.U.C.B. MEETING:** November 14, 2013

LOCATION: 779 N. Houston Levee Road (598' west of intersection with Humphrey Road)

COMMISSION DISTRICT: 1

OWNER OF RECORD / APPLICANT: TV6-W, LLC

REPRESENTATIVE: Lou Katzerman

REQUEST: Proposal to construct a one hundred eighty-three foot (183') CMCS Tower

AREA: 5 Acres

EXISTING LAND USE & ZONING: Commercial Mixed Use-1 (CMU-1) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

APPROVAL with conditions

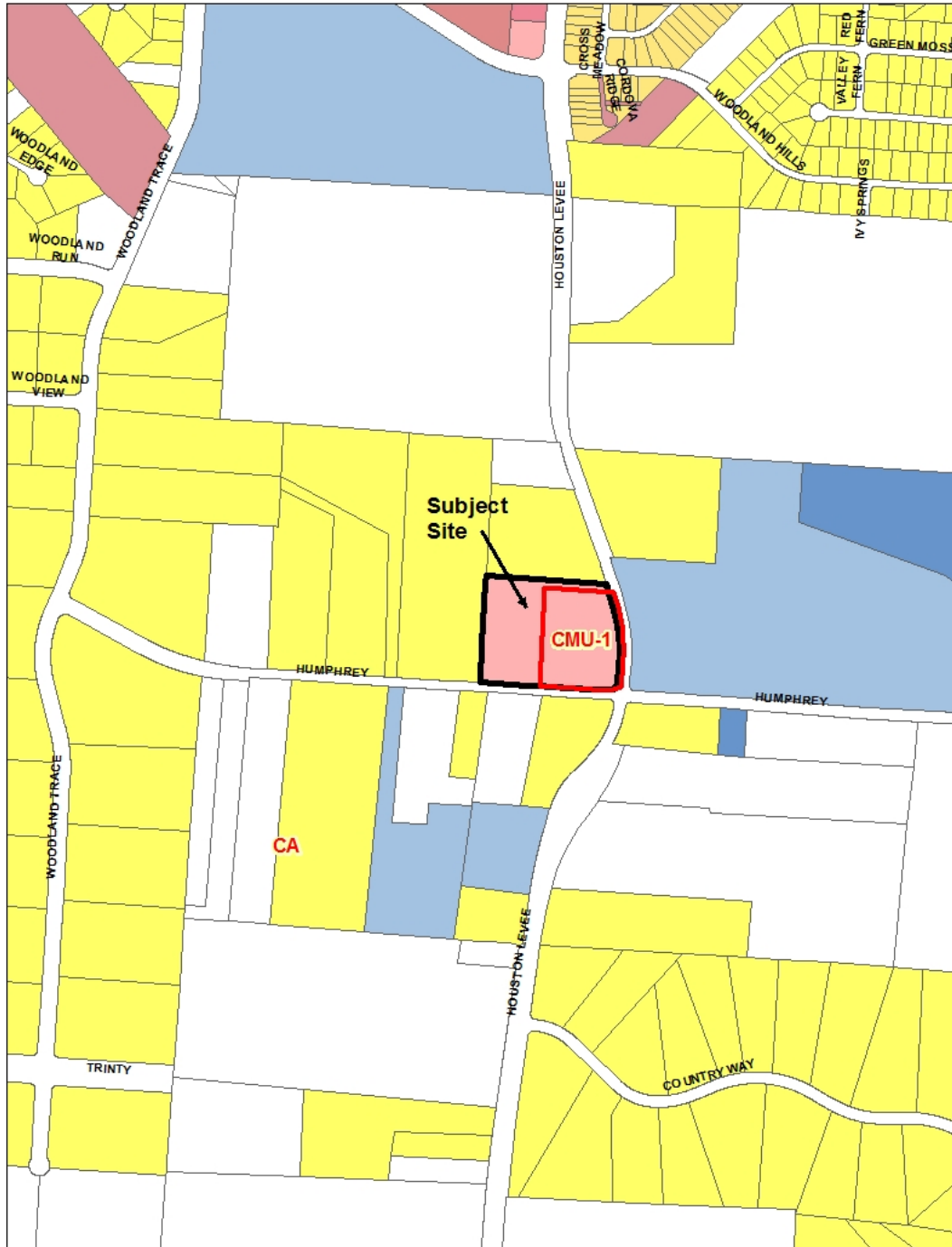
CONCLUSIONS

1. The applicant has proposed a cell tower with the equipment installed in a fenced compound on a commercial lot in unincorporated Shelby County.
2. This proposed tower is allowed as an accessory use on the same lot with the existing commercial business.
3. As there is no substantial evidence that has been presented that would support a denial of this application, staff recommends approval with conditions, pursuant to the Federal Telecommunications Acts of 1996.

Staff: Terry Langlois

email: terry.langlois@memphistn.gov

LAND USE & ZONING MAP



SURROUNDING USES AND ZONING:

North: Single family residential.

East: Institutional.

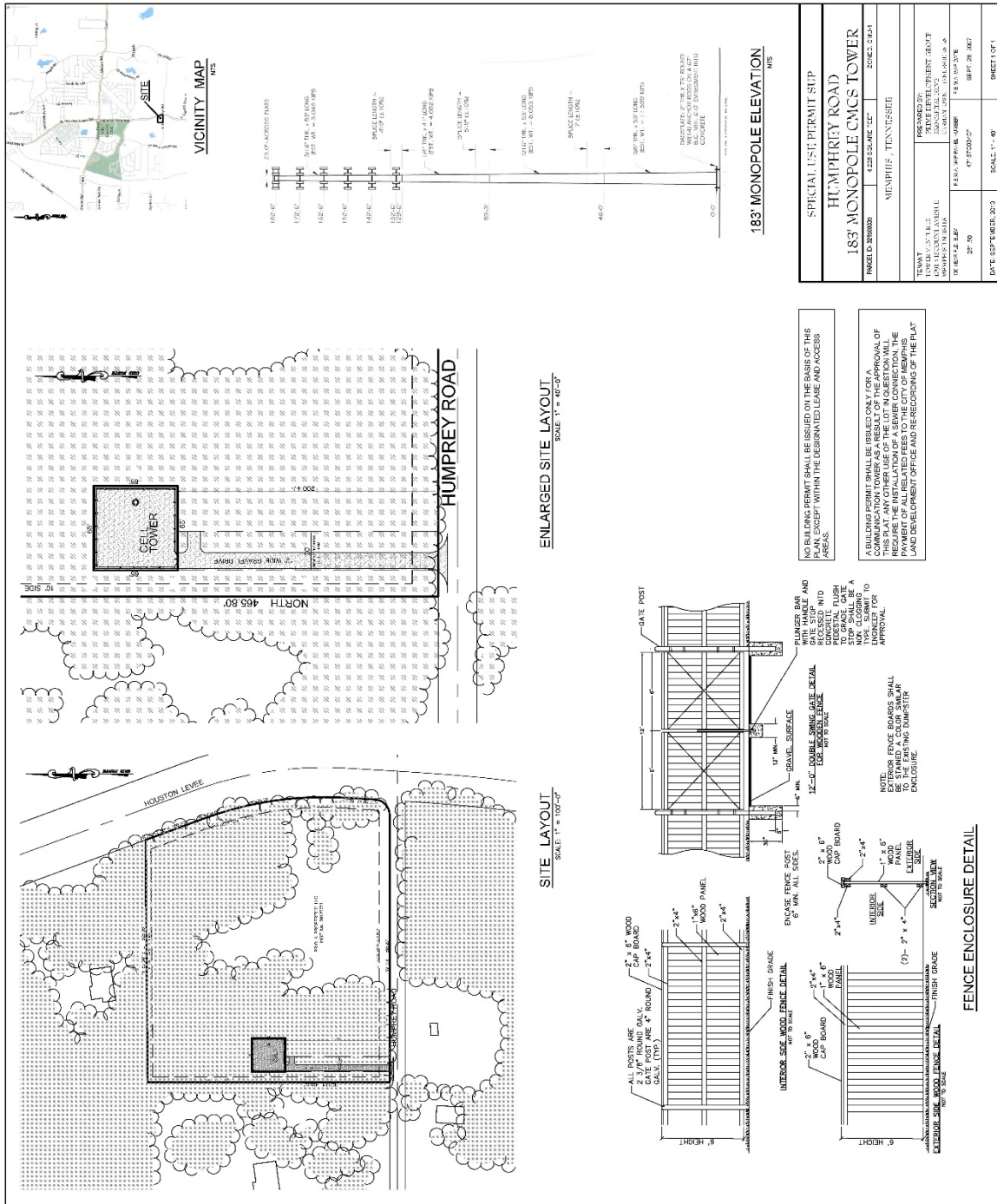
South: Vacant and single family residential.

West: Single family residential.

Aerial map



Site Plan



Pictures of site
Houston Levee frontage



Humphrey frontage looking east



Approximate tower location



Looking west on Humphrey Road



STAFF ANALYSIS

The subject site is near the intersection of Houston Levee and Humphrey Roads in unincorporated Shelby County and in the Memphis annexation reserve area. The site is zoned CMU-1 but the surrounding area is predominantly in the Conservation Agriculture (CA) zoning district.

The site is used for a commercial landscape contracting business. The proposed tower would be to the rear of the parcel with access from Humphrey Road. The site and the surrounding area has a number of large trees that will substantially screen the tower and equipment compound. The surrounding land uses are single family houses and churches. The area is developed at a low density with a rural characteristic.

The proposed planned development meets the UDC requirements for approval:

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.

C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.

D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.

E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.

F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.

G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

This is a reasonable request for a cell tower in a rural area. There will be minimal negative impacts resulting from this proposal.

RECOMMENDATION: Approval with conditions.

A Special Use Permit is hereby authorized to TV6-W, LLC to allow construction of a one hundred eighty-three foot (183') CMCS tower on the property at 779 Houston Levee Road in accordance with the approved site plan and the following supplemental conditions:

SITE PLAN CONDITIONS

1. The tower shall be a one hundred eighty-three foot (183') Monopole Tower Designed for six (6) set of Antenna Arrays flush mount monopole type and one (1) Microwave dish up to six feet (6') in diameter. The dish will be flush mounted to the tower.
2. The structure and tower will be built according to the submitted site plan unless other modifications are approved by the planning director.
3. Existing on-site trees shall be preserved to the maximum extent practicable.
4. The lease area shall be surrounded by a six-foot (6') wooden fence.
5. An access road is to be built from Humphrey Road, south of the proposed compound, and shall be asphalt for the first 50 feet from the road.

GENERAL INFORMATION

Street Frontage: 570'
Planning District: East Central Shelby
Census Tract: 210.20
Annexation Reserve Area: Memphis
Zoning Atlas Page: 2060
Parcel ID: D0215 00035
Zoning History: N/A

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer:

1. Curb Cuts/Access: The County Engineer shall approve the design, number and location of curb cuts.
2. Shelby County Engineering's only comment is for the access drive should be asphalt for the first 50 feet from the road.

City Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department-

No comments by the *Water Quality Branch & Septic Tank Program*.

Pollution Control: No comments received.

Environmental Sanitation: No comments received.

City Board of Education: No comment.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which

may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.

- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW easement or dedicated utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
 - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

AT&T/Bell South: No comments received.

Memphis Area Transit Authority (MATA): No comments received.

OPD-Regional Services: No comments received.

OPD-Plans Development: No comments received.

Memphis Park Commission: No comments received.

Application



Memphis and Shelby County
Office of Planning and Development
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

**APPLICATION FOR PLANNED DEVELOPMENT APPROVAL
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

Date: 9-24-13

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: _____

Property Owner of Record: Priola Properties, LLC Phone #: 901 870 0698

Mailing Address: 5570 Pleasant View City/State: Memph, TN Zip 38134

Property Owner E-Mail Address: marvin.priola@comcast.net

Applicant: TUG-u, LLC Phone # 901 294 9494

Mailing Address: 4091 Viscount Ave City/State: Memph, TN Zip 38118

Applicant E-Mail Address: royal@townventures.com

Representative: Lou Katzerman Phone #: 901 239 3892

Mailing Address: 4091 Viscount Ave City/State: Memph, TN Zip 38118

Representative E-Mail Address: lou@townventures.com

Engineer/Surveyor: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Engineer/Surveyor E-Mail Address: _____

Street Address Location: 779 Houston Lakce Rd

Distance to nearest intersecting street: 598' west of Hatt Rd + Humphreys
Houston Lakce

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	_____	_____	_____
Existing Zoning:	_____	_____	_____
Existing Use of Property	_____	_____	_____
Requested Use of Property	_____	_____	_____

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes _____ No X

1. All outline and final plan amendments shall meet the standards set forth in Chapter 4.10, Planned Development. The following modifications to approved outline and final plans shall be deemed amendments:
 - a. A change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification (see Item 9.6.11E(2)(e) below);
 - b. A modification to a conditions that phases the uses, and
 - c. A conversion of public streets, pursuant to Section 5.2.18.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

Letter of intent

TV6-W, LLC/ Tower Ventures

4091 Viscount Ave Memphis, TN 38118-6106
September 29th, 2013

Phone: 901 794-9494

Fax: 901 366-5736

Memphis and Shelby County Office of Planning and Development
City Hall
125 North Mid-American Mall
Memphis, TN 38103-2084

RE: Letter of Intent and Requested Zoning Conditions for a One Hundred Eighty Three Foot (183') Monopole Communications ("CMCS") Tower at 779 Houston Levee RD , Cordova, TN 38018 (Parcel ID #D0215 00035)

To Whom It May Concern:

Tower Ventures V, LLC/TV6-W, LLC of 4091 Viscount Avenue Memphis, TN 38118 proposes to construct a one hundred sixty foot (183') CMCS tower at 779 Houston Levee RD Cordova, TN 38018 (Parcel ID # D0215 00035) The tower will be a modified monopole design and it will be built to support cellular communications and wireless data services. The tower will be built to support six (6) antenna arrays. The tower will be equipped with a climbing apparatus.

The equipment will be placed in a Lease area of 65' x 65'. Tower Ventures is proposing to use the existing natural vegetation as cover for the proposed compound. The Tower Site to be fence and enclosed using a 6' Wooden Fence.

There is a need for improved cellular coverage in this area of Memphis. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, taking into account, among other factors, the licensees' system requirements. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve its E911 emergency services network. The citizens of Memphis benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services. Please see the attached letter and propagation maps that have been provided by Verizon Wireless.

Tower Ventures V, LLC/ TV6-W, LLC appreciates the Memphis and Shelby County Office of Planning and Development's consideration of this application. Please contact me at (901) 794-9494 Ext 117 if you have any questions concerning this application.

Sincerely,

Lou Katzerman

Site Acquisition and Zoning Manager

TV 6-W, LLC- Tower Ventures

TV6-W, LLC/Tower Ventures
4091 Viscount Ave Memphis, TN 38118-6106

Phone: 901 794-9494
Fax: 901 366-5736

September 29th, 2013

Memphis and Shelby County Office of Planning and Development
City Hall
125 North Mid-American Mall
Memphis, TN 38103-2084

RE: Governmental Compliance Letter for Communications Tower at 779 Houston
Levee RD (Parcel ID #D0215 00035), Cordova, TN 38018

To Whom It May Concern:

The proposed tower at 779 Houston Levee RD (Parcel ID #D0215 00035), Cordova, TN 38018 will comply with all regulations administered by the Federal Aviation Administration, the Federal Communications Commission and all applicable governmental bodies.

Sincerely,



Lou Katzerman
Site Acquisition and Zoning Manager
TV6-W, LLC/Tower Ventures

TV6-W, LLC/Tower Ventures
4091 Viscount Ave Memphis, TN 38118-6106

Phone: 901 794-9494
Fax: 901 366-5736

September, 29th 2013

Memphis and Shelby County Office of Planning and Development
City Hall
125 North Mid-American Mall
Memphis, TN 38103-2084

RE: Collocation Letter for Communications Tower at 779 Houston Levee RD (Parcel ID #D0215 00035), Cordova, TN 38018

To Whom It May Concern:

TV6-W, LLC/Tower Ventures commits to allow shared use of the proposed tower at 779 Houston Levee RD (Parcel ID #D0215 00035), Cordova, TN 38018 in capacities based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge for shared use, the potential use is technically compatible and the future applicant is in good standing.

Sincerely,



Lou Katzerman
Site Acquisition and Zoning Manager
TV6-W, LLC/Tower Ventures V, LLC